MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.134 OF 2007

Hemkant Raghunath Limaye Applicant
versus
Dattatray Maruti Kakade Respondents

Mr.Jaydeep Deo for applicant.
Mr.R.S.Apte i/by Girish Paryani for respondents.

CORAM : A.S.OKA, J.

DATE : 27th April 2007

PC :

1. The submissions of the learned advocates for the parties were heard on the last date.

2. The learned counsel for the revision applicant on the instructions of the revision applicant states that he is not pressing the revision application on merits. He, however, submits that considering the age of the revision applicant a longer time to vacate may be granted subject to filing usual undertaking. The learned counsel for the respondents submitted that reasonable time to vacate may be granted.

3. Present age of the applicant is 76 years. Considering the facts and circumstances of case, time of two years to vacate the premises deserves to be granted subject to filing usual undertaking.

4. Hence, I pass following order :-

(a) Revision application is dismissed as not pressed with no order as to costs;

(b) Notwithstanding the dismissal of the revision application, the decree for possession shall not be executed till 30th April 2009 subject to the revision applicant and all his adult family members filing usual undertaking in this Court to vacate the suit premises on or before the time granted by this Court. The undertaking shall be filed on or before 5th June 2007. If usual undertaking is not filed within the time stipulated as aforesaid, the decree for possession will forthwith become executable;

(c) Parties and all concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

MST

(A.S.OKA, J.)